

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	Civil Action No. 2:10-cv-13101-BAF-RSW
and)	
)	Judge Bernard A. Friedman
NATURAL RESOURCES DEFENSE)	
COUNCIL, and SIERRA CLUB)	Magistrate Judge R. Steven Whalen
)	
Plaintiff-Intervenors)	
v.)	
)	
DTE ENERGY COMPANY, and)	
DETROIT EDISON COMPANY)	
)	
Defendants.)	

**PLAINTIFFS' CONSENT MOTION FOR LEAVE TO FILE CERTAIN EXHIBITS
UNDER SEAL AND FOR A PAGE LIMIT EXTENSION FOR ITS REPLY BRIEF**

Pursuant to Local Rule 7.1, Plaintiff United States hereby moves for an extension of the page limit for its Reply Brief in support of United States' Motion for Partial Summary Judgment on the Legal Standards at Issue in this Case (ECF No. 117). Under Local Rule 7.1(d)(3), the United States' page limit for this reply brief is five (5) pages. In order to fully address issues raised in Defendants' opposition brief, Plaintiff respectfully requests that this limit be extended to ten (10) pages. Plaintiff has conferred with Defendants, and Defendants consent to this requested extension.

Furthermore, pursuant to Local Rule 5.3(b) and Paragraph 11 of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (ECF No. 39), the United States respectfully moves for leave to file certain supporting exhibits to its reply brief under seal. In its reply brief, the United States cites to information, including deposition testimony, that the

Defendants consider confidential under the terms of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Dkt. 39). Defendants consent to this request. Moreover, counsel for the parties have conferred, and agreed that it is unnecessary to file the reply brief itself under seal.

For the foregoing reasons, the undersigned respectfully requests that this Court grant the United States leave to file certain exhibits to its Reply in support of its Motion for Partial Summary Judgment on the Legal Standards at Issue in This Case (ECF No. 117) under seal, and that the United States be allowed to submit such a brief not to exceed 10 pages in length.

A proposed Order is enclosed.

Respectfully Submitted,

IGNACIA S. MORENO
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Environment & Natural Resources Division

Dated: August 10, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2011, the foregoing reply brief was served via ECF on counsel of record.

s/ Elias L. Quinn

Counsel for the United States

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**[PROPOSED] ORDER GRANTING PLAINTIFFS' CONSENT MOTION FOR LEAVE
TO FILE CERTAIN EXHIBITS UNDER SEAL AND FOR A PAGE LIMIT EXTENSION
FOR ITS REPLY BRIEF**

Upon consideration of the Plaintiff's Motion for Leave to File Certain Exhibits Under Seal and for a Page Limit Extension with regard to its Reply in support of its Motion for Partial Summary Judgment on the Legal Standards at Issue in This Case, with good cause having been established, IT IS HEREBY ORDERED that Plaintiff, the United States, be permitted to file those documents containing information claimed by Defendants as confidential under the terms of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Dkt. 39) under seal, and further that the United States may file a reply brief in support of its Motion for Partial Summary Judgment (ECF No. 117) not to exceed ten (10) pages in length.

It is so ORDERED.

Dated: August __, 2011

HONORABLE BERNARD A. FRIEDMAN
U.S. District Court Judge